

REMARKS

Claims 1-27 are currently pending in the subject application and are presently under consideration. Claims 1, 12, 17, 20-22 and 24-27 have been amended as shown at pages 2-8 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-14 and 16-27 Under 35 U.S.C. §103(a)

Claims 1-14 and 16-27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Horie *et al.* (US 2002/0094191) in view of Asami (US 6,747,674). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Horie *et al.* and Asami., alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The subject invention relates to a media browsing system that presents a plurality of thumbnails related to a media item based upon analysis of the media item to provide a user an easier way to navigate to their preferred section of the media item. For example, the user may wish to navigate to a particular portion of a movie - applicants' claimed invention can conduct an analysis of the movie to determine that it is two hours long and a thumbnail representation should be provided for each 5 minute interval of the movie. This enables the user to navigate

through the thumbnails to locate preferred section(s) of the movie. In particular, independent claim 1 (and similarly independent claims 12, 17, 20-22 and 24-27) recites *a media display component that displays a media input and at least one of a plurality of thumbnail images related to the media input ... **the number of the plurality of thumbnail images is determined based at least in part on an analysis of duration of the media input by the media delivery system.***

As conceded in the Office Action date August 24, 2006, Horie *et al.* does not teach or suggest the aforementioned novel aspects of applicants' claimed invention. Rather, the cited art teaches a system for recording and playing back media images that are stored on random access storage media, wherein thumbnail images are created based on functions selected by the user. The number of thumbnails created for a single media image is driven by user action. For example, in the disclosed first embodiment, the still images (thumbnails) are a playback indicator which indicates where the user interrupted playback of the media image and user selected storage points. In this case, the number of thumbnails is based upon the number of save points the user has specified. In the "jump" mode embodiment, the number of thumbnails produced is based upon the functions the user selects, such as a random viewing point or a replay function that rewinds a predetermined number of seconds. In all of these examples, the number of thumbnails produced is based upon user actions, and not upon an analysis of the media image. The cited art also discloses selection of thumbnail position based upon identification of audio mode transitions or image scene transitions in the media image. These thumbnails are then displayed on a playback scale. However, Horie *et al.* is silent regarding a determination of the number of thumbnails that are created for a single media image based upon analyzing the playback duration of the media image. Asami is cited to make up for the deficiencies of Horie *et al.* with respect to this novel feature. Yet, Asami discloses a system where a user either selects a time interval for displaying thumbnails or sets a predetermined interval, as well as setting the number of thumbnails that are displayed at a time. Contrary to assertions in the Office Action, the cited art does not perform an analysis of the duration of the media input to determine an appropriate number of thumbnails. The section of prior art cited merely indicates that the interval is set at 1 minute for a 15 minute media, resulting in 15 thumbnails being generated. This quantity is a result of the user set interval, not determined based upon an analysis of the duration of the media as recited in applicants' claimed invention. Therefore, Horie *et al.* and Asami fails to teach or

suggest that the number of the plurality of thumbnail images is based at least in part on an analysis of the duration of the media input by the media delivery system.

In view of at least the foregoing, it is readily apparent that Horie *et al.* and Asami, alone or in combination, do not teach or suggest applicants' invention as recited in independent claims 1, 12, 17, 20-22, 24, 26, and 27 (and claims 2-11, 13, 14, 16, 18, 19, and 23 which respectively depend there from)), and thus fails to make obvious the subject claimed invention. Accordingly, this rejection should be withdrawn.

II. Rejection of Claim 15 Under 35 U.S.C. §103(a)

Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Horie *et al.*, in view of Asami (US 6,747,674) and "A Multiscale Random Field Model for Bayesian Image Segmentation" by Bouman *et al.* It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Horie *et al.* and Bouman *et al.*, alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention.

Claim 15 depends from independent claim 12. As noted *supra*, Horie *et al.* and Asami do not teach or suggest each and every element of the subject invention as recited in this independent claim and Bouman *et al.* fails to make up for the deficiencies of Horie *et al.* and Asami with regard to independent claim 12. Bouman *et al.* discloses an image segmentation system employing a Bayesian model. However, Bouman *et al.* is silent regarding creating thumbnail images. Therefore, Horie *et al.* Asami, and Bouman *et al.*, alone or in combination, fail to teach or suggest that the quantity of the plurality of thumbnail images is based at least in part on an analysis of playback length of the media by the media analyzer. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP303US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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